

To: RG, KK, Alan Friedman  
From: PJM  
Re: Going on Offense – Ukraine Action Plan for Europe and US  
Date: June 25, 2012

It is time to go from defense to offense on what Ukraine is doing to build a "rule of law" democracy.

In the past we have focused on responding to criticism. Our responses have been limited and transitory. We need to change direction and build a comprehensive program that promotes not just the responses to the criticisms but the constant actions taken by the Govt of Ukraine to comply with western demands.

#### **THE PLAN**

We need to construct a plan to aggressively promote Ukraine's compliance with the demands and make the case that Ukraine is committed to building a democratic society.

We need to define Ukraine's actions on demands of PACE and EPP to show that significant actions have been taken to build the framework for a rule of law society. (I have attached a detailed analysis of the demands set out in the resolutions of the EPP and PACE. This is a starting point for the collection of our materials that will be the substance of our program.)

Additionally our tactics should emphasize the outreach by Ukraine to western institutions like GRECO, Venice Commission etc for advise and counsel.

Finally, we should call for more assistance in implementing the new reforms. We should make the case that if the West is serious about helping to build a rule of law society, it should stop attacking Ukraine and begin to work with the government to train and assist in the implementation of the new laws. Those specific areas where help should be provided immediately should be detailed. For example, the new CPC requires assistance in training a professional judiciary.

Our plan should include written materials that clearly set out the details of the reform program of Ukraine, the changes made to comply with the EU Association Agreement and DCFTA, and the actions taken to comply with the demands of the EP. We should assume that little is known about the details of what has been done in any of the reform areas. Through comprehensive materials that lay out the changes and their expected impacts we will begin to create educated impressions that will be supportive of our actions.

#### **TIMETABLE**

We need to complete this plan in July, before the West goes on vacations. Then, we need to build a road show plan for September when the MFA, DPM Khoroskofsky and others travel Europe and Washington making the case again.

#### **COMPONENTS OF THE PLAN**

In building the plan, we need the following actions:

1. FBC to work with MFA to build plan to confirm facts in attached document laying out compliance and to build other supportive documents. There are several areas where we need to provide more detail. We list the legislation in the attached document but need to provide brief summaries in the chart. Also, we should include an addendum to this chart with more detailed information on each of the legislative acts cited.
  - a. An additional document that should be created is one that lays out the new Election law and the key components that provide for a fair and transparent election. This election document should note the deadlines for implementation and the status of the CEC in meeting these deadlines. It should also highlight the components of the new election law that directly respond to the criticisms of the 2010 local elections. The document should show the criticisms of OSCE, how the election law addressed these criticisms and the implementation by the CEC of the new requirements. Since this is a new document, FBC and KK should work with both the DMP EI team and the CEC to craft the document.
2. This document becomes the handout to the media, NGOs and western governments. The information should also be the basis for opeds in all European capitals and international papers. We should also consider interviews on major talk shows in London, Paris, Berlin, Brussels and Rome to promote the complicate. Shows like HardTalk and its equivalents in the other capitals should be targeted. Finally, the plan should include a digital strategy using friendly websites, blogs and important bloggers.
3. A collaborative plan from FBC, FH and BM and Mercury Communications should build the PR and GR plan under the direction of RG.
4. Working with Rob and Ina Kirsch, we need to construct a targeted program for Martin Schultz and the SI.

#### **DEADLINES**

I would like a draft of this plan to review by July 10. It should be a comprehensive and detailed program. It should lay out documents to circulate, sample oped articles, detailed targets in the media, NGOs and governments.

Additionally, I would like a draft to the materials and revised charts responding to PACE and EPP by July 10.

Based on the plan and the materials, a meeting can be organized to finalize the plan and adopt a calendar for actions.



CONFIDENTIAL: EYES ONLY

**CREATION OF A SUPER VIP GROUP OF FORMER EUROPEAN HEADS OF GOVERNMENTS  
AND VIP OFFICIALS TO ENGAGE IN PROMOTION OF VR ELECTION RESULTS AND  
UKRAINE INTEGRATION INTO EUROPE**

**1. Purpose**

To assemble a small group of high-level European highly influential champions and politically credible friends who can act informally and without any visible relationship with the Government of Ukraine.

The engagement of this group will be in two stages. The first stage is 2012 and will be informal in nature. The work in 2012 will primarily focus on the promotion of the importance of Ukraine to Europe, to push for the acceleration of integration of Ukraine and to engage in the process to ensure the recognition of the results of the 2012 VR elections.

The second stage in 2013 would channel this group into an independent NGO whose mission would be to work with the EU, European governments, NGOs and the government of Ukraine to hasten the integration of Ukraine into Europe.

The uniqueness of this group is in its composition of members who have the ability to engage at the highest levels and speak with authority in the media.

**2. Mission**

The principal mission of this group in 2012 will be to serve as a bridge between the main international election observer groups, OSCE and PACE, and the government of Ukraine. They would engage as ad hoc observers of the VR election process and could perform pre-election oversight of Ukraine compliance with the main conditions demanded by the European Groups to ensure a free and fair election. They can perform this work in a manner similar to the audit performed by Skadden, Arps.

Additionally, the members of the group, at our quiet direction, will provide commentary in the European media. write and publish occasional op-eds and appear at select conferences we will stage in Rome, Berlin, Paris, London or Brussels before and after the election.

**3. Key Participants**

The intention is to begin with a group of about 5 senior members. They would be approached by Chancellor Gusenbauer and would work informally at his direction, in co-ordination with me, during the remaining 6 months of 2012. The list of potential members include:

- AUSTRIA Chancellor **Alfred Gusenbauer** (Social Democrat, former Chancellor of Austria). He will be the co-ordinator.
- ITALY Former Prime Minister **Romano Prodi**, or former Trade Minister Adolfo Urso of Italy.
- BELGIUM Judge **Jean-Paul Moerman**, veteran and respected center-right member of the Constitutional Court of Belgium, soon to be named its head. A legal expert who has served previously on a human rights international panel in Azerbaijan, we think we could engage him on a spot basis.

- GERMANY **Bodo Hombach** Former European troubleshooter, SPD minister to Gerhard Schroeder, Head of the Federal Chancellory, supervisor of the Balkans stability pact and now influential publishing and media boss.(see links below)
- SPAIN **Javier Solana**. Former NATO head, and EU Foreign Affairs Spokesman and respected man for all seasons in Europe. Friend of Gusenbauer.
- FRANCE The Chancellor will select someone from France but precisely who will be determined by who does not become a part of the Hollande Administration.
- not that the Government is being organized.
- Although his appointment as European Parliament official to monitor the Tymoshenko trial would prevent Aleksander Kwasniewski from any formal activity, Chancellor Gusenbauer will meet him June 29th and will discuss with him the idea of Kwasniewski joining a more formal Advisory Panel in 2013. He is confident that this is very likely and believes that some informal and covert interaction is possible in 2012.

#### 4. Structure and Fees

Led by former Chancellor Alfred Gusenbauer of Austria, the other former leaders from Belgium, Germany, Spain, Italy and/or France would act as an informal, independent group in 2012 and would form or associate with an existing NGO in 2013. The creation of this entity in 2013 would publicly be connected to the informal work that they did in 2012.

The informal and ultimately formal project will be managed by Chancellor Gusenbauer in co-ordination with me.

The budget for the 6 months of 2012 would be E1,500,000. This would include travel expenses, administrative overhead, and retainer fees to all of the key individuals, speakers fees to VIPs who will appear at the conferences and election observer fees.

The budget for conferences will be created based on the purpose and logistics of the events. It is anticipated that we would do at least 2-3 such conferences in 2012 to promote the objectives of integration and election recognition. It is anticipated that a typical budget for a conference will be in the range of Euro20,000.

#### 5. Next Steps

Chancellor Gusenbauer is speaking with former President K on Sunday at the Euro 2012 football game in Warsaw. They will agree on their plan of action.

Upon approval of the project by Ukraine, they will commence work this week. This work will result in the outreach to the officials listed above and others. Once the group is organized, the specifics of a work plan will be created by the Chancellor and us.

ACTION: Approve and fund project by July 1.

### Observer Group Strategy Team

We need to organize our strategy regarding the various big delegations coming to Ukraine for the elections.

Initially, we should build the team from the consultants. The legal and outreach in Ukraine will be done by the PoR and domestic lawyers.

To start I recommend a fluid structure as follows:

Overall	PJM/AK/Kozhara
Europe	Ina/Rob/ FH/BM/FBC
US -	RG/Podesta/Weber
Ukr	KK/EL/OV
Legal	EL, YM, CEC lawyer, others?

#### Scope of Activity

1. List of all observers groups, - MFA to provide – DEADLINE Oct 12
  - a. European
  - b. US
  - c. Ukrainian
  - d. CIS
  - e. Other
2. Build a plan for each major groups – /EL -Ukr/ Ina -Eur/ RG - US/  
Draft 1 Deadline – Oct 18
  - a. Id leaders of delegation
  - b. Friends on delegation
  - c. enemies on delegation
  - d. Collect the Reports, if any, of the above groups
  - e. key points to communicate to deal with the issues they have raised in Interim reports
  - f. mobilization of advocates and resources
  - g. identification of Oblasts they are visiting
  - h. Official briefings – agenda- spokesmen
  - i. arrival dates in Ukraine
3. Need to respond in writing to specious claims contained in the Interim Reports.
  - a. Create a legal team (see memo)
  - b. Analyze the legal allegations
  - c. Present formal response





PRIVATE & VERY CONFIDENTIAL

To: President Victor Yanukovich  
From: Paul J. Manafort  
Re: Launch of Public Affairs Plan  
Date: February 20, 2010

The purpose of this memorandum is to lay out a plan to manage the strategy, public relations and international affairs for President Yanukovich.

**BACKGROUND**

Over the course of the last year, and specifically since June of 2009, I have been managing a Public and Government Relations program on your behalf that I created and paid for myself.

I created this structure because I knew that it was important for us to develop advocates within the diplomatic and political communities of Europe and the United States. I also felt that it was necessary to begin to disseminate on a regular and consistent basis information to the government, media and key elite professionals who were important and engage in Ukraine.

The focus of the program was to provide a steady stream of information on the campaign. The information dealt not only with the positive news being generated by the Yanukovich for President campaign, but also the Tymoshenko disinformation that was flooding Europe and the US through her paid agents in the capitals of many western countries.

I understood early on that I would not be able to win the war of Public Affairs but I wanted to establish a foundation from which I could build after the First Round and more importantly after the Second Round. My intention was to remove any possibility of Tymoshenko having credibility if she chose to challenge the results of the election.

I believe that the acceptance by both the international media/elites and important western governments of the election results of the First Round and Second Round, even with the challenges by Tymoshenko, were directly related to the successful undertakings of these efforts.

Our ability to access the international observers prior to their arrivals in Kyiv, giving them timely information that answered many of their questions with legal and logical analysis, were all connected to the advance work that we did through my network of lobbyists.

In organizing this group, I relied on a mixture of important political people and some well connected Public Affairs consulting firms.

GOVERNMENT

EXHIBIT

U.S. v. MANAFORT, 1:17-cr-201 (A.B.J.)

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### **PUBLIC AFFAIRS PLAN**

The reason I explained the background of what I organized last year is because I felt that it was important for you to know of the active international media and lobbying operation that has been working on your behalf. What you saw in Kyiv was the tip of what was working in Europe and the US. This is why the response occurred as quickly as it did.

It is also important that you understand that this is what Tymoshenko has been doing on a much more massive scale for the last 5 years, (and Yushenko too). Between paid lobbyists and the Ukrainian Diaspora, she had a very effective program in both Europe and the United States.

The good news is that we can build a similar system now that you are the President. I have specific ideas on how to do this and that is what I will set out in this Memorandum.

#### ***1. Goal of Representation***

The purpose of the Public Affairs and Government Relations program is to promote your image and policies to the targeted audiences in Europe and the United States. We need to manage their understanding of what you are doing in Kyiv and how they can assist and interact with your Administration. These programs are common place in the western world and firms exist that specialize in a range of services.

The key is to manage this program in the context of your political and reform agenda as well as your governing agenda.

The program will consist of several aspects.

*The first is the government relations aspects.* We will build a multi faceted plan to communicate your programs to key officials and institutions in Washington, Brussels, the IMF, EBRD, EC. We will identify needs that we require from these institutions to complement your reform programs and economic programs. Then, using the resources of these firms we will develop the strategy and tactics to pursue our objectives. Utilizing their networks of relationships, we will build a group of professionals who will become the active lobbyists for your Administration.

*Second, we will target the international media and academic elites.* These groups have been totally misled by Tymoshenko and are just now beginning to understand her lies. They still do not have a feel for who Victor Yanukovich is. Their impressions have been developed by the Orange over the last 5 years. Just as we did in our early campaign strategy, we need to break these stereotypes of images in order to build a credible foundation for President Yanukovich to deal in the West. Thus, the second goal will be to work with identified media and to develop specific milestones on educating them in non-political environments. This will include both the print and electronic media and important Think Tanks. Like the campaign, this work must start early in order to be effective later.



Publically, they will be explaining the process to the media, elites and government officials in their respective countries. In reality, they will also be promoting your political agenda and developing support based on correct understanding on what you are doing in Ukraine. If we only rely on local media and the Ambassadorial corps in Kyiv we are at risk to their interpretations and prejudices. At a minimum we will be communicating your position to the important audiences in Europe and the US, and at a maximum we will be winning their support based on the message presentation.

### ***3. My Role***

I will be the manager of this process. In addition to continuing in the role I have been playing for you over the last 5 years, I would add this management function to my list of responsibilities. In fact, I have been doing this for you over the years. Now, we need to formalize it and have the government pay for the services that I have been personally paying for over the last 5 years.

I would have a separate contract which would be with a private company. As we did in the early days with SCM being my technical client while I, in fact, focused on your program, we would find another client (preferably not SCM since they have had this burden already), who would pay for my services under a multi-year contract. That contract would incorporate my services and infrastructure both in Kyiv and Washington for this work and the political, strategic and consulting work that I will do for you over the course of the next 5 years. The only work not incorporated in this contract would be campaign consulting for the Parliamentary and local elections. The political campaign work would be managed under a separate contract for those specific election and party building services.

Publically, I would not appear as a lobbyist for your Government. Those roles would be the firms that I bring in as your Government and Public Affairs consultants. In fact, I would be the point for all of these services.

### ***4. Next Steps***

We should begin to move on this process immediately. The timeline should be to finalize all of the details in the next 2 weeks and to bring the firms on board asap.

This is important because of all of the important activity that will be happening quickly after the Presidential Inauguration. The early agenda of work is massive, including developing papers and briefings on such activity as the new coalition, the reform initiatives, the identification of the Tymoshenko financial issues discovered upon taking office, the development of strategies to assist in the seeking of financial assistance from the West, and dealing with the Tymoshenko anti Yanukovich technologies that she will be promoting through her Western network of operatives.

These firms need to be working by mid March. It will take some time for them to be educated on events and they must be preparing for trips by President Yanukovich to Europe and the US.



The next steps are as follows:

- a. For You
  - i. Approval by you of the concept
  - ii. Designation by you of the person in Presidential Administration to be the coordinator of this project (SL did it in the campaign)
  - iii. Identification and Arrangement of Source (private company) to pay for PJM services
- b. For me once you approve concept
  - i. Development of scope of work with coordinator
  - ii. Identification of firms to consider
  - iii. Development of proposal from these firms we agree on
  - iv. Development of Budget
  - v. Finalization of contract for me with Ukrainian Company
  - vi. Negotiation of contracts by me with the Consulting Firms
  - vii. Arrangement for Briefing sessions with key people and new consultants

### **CONCLUSION**

In the next several weeks, you will be besieged with proposals for technical services and contracts to advise you on your priorities as President (like the McKinsey project). It is important that those contracts be managed separately from what I am talking about here.

**This is your personal program.** The McKinsey type projects are the government management contracts. Some people will try to claim that they are one and the same. They are not.

We will use the Government as the foundation for us to build a worldwide program to educate and promote what you are doing as President. This will ensure that you never have to deal with a 2004 scenario again. Additionally, it will remove a major asset from Tymosenko as you will be able to claim equal if not superior support from the West as you build your reform program.

Like everything else, time is of the essence on this matter. However, unlike everything else, once you deal with the 3 issues listed in the previous section, I can take the work load off of you and get the job done without any major demands of your time.

To: VFY  
From: PJM  
Re: Our Current Washington Strategy and Post Elections Plan  
Date: September 24, 12

I know there are questions based on Sen. Durbin's resolution of what our strategy is in Washington and how this could happen.

The purpose of this Memo is to give you a brief overview of our current strategy, what is happening and why.

#### **The Players in Washington**

The main players in Washington regarding Ukraine are the White House, the State Dept. several US Senators and the Diaspora. There are individual House Members and key think tank groups but they only react when prompted.

The White House is sympathetic to the VY Administration. They do disagree with the Tymoshenko conviction and a number of policy actions of the Ukraine Government and want us to move in a more "democratic direction". However, they balance their concerns with what they see positively happening, including the support that the Yanukovich Government has provided to the priorities of the Obama Government. Their policy is one of "engagement" not isolation towards the Yanukovich Administration.

The Bureau of European Affairs is managed by bureaucrats who place human rights as the foundation of US policy and are still swept up in the romance of the Orange Revolution. They are constrained by the WH to some degree but take every opportunity to press their priorities.

The activists in the US Senate, and the few in the US House of Representatives, are individuals who have large Ukrainian constituencies. The Ukrainian leadership of these constituencies are Diaspora who are tied directly to Tymoshenko. On behalf of all Ukrainians these Diaspora figures have co-opted liberal Democrats to promote Tymoshenko's rhetoric and provide campaign contributions to the Senators and Congressmen in return.

Most other members of the US Congress have not engaged in Ukrainian policy and are hesitant to do so until after the elections .

#### **Current Situation**

The White House is working closely with us. Last April, we persuaded them that the most important upcoming events were the VR elections and the Skadden Report.

The most important event from the WH standpoint was to ensure a free and fair election. If the election is certified by OSCE and other independent observer groups, the Obama WH indicated they would be prepared to restore momentum to both bilateral relations and pressure Europe to move towards engagement, not isolation.





They indicated that if the Skadden Report showed that the trial was conducted fairly and the conviction was based on the facts of the case and not politically motivated it would have a mitigating impact. This is not to say that they have changed their position on releasing Tymoshenko, but it would allow the issue to be de-emphasized to some degree.

Furthermore, they explained that it was best to minimize conflicts that forced public actions that could complicate flexibility in November. In the same context, the WH agreed to keep the State Dept. from making active pronouncements in Washington. This did not mean that Tefft would be any less an advocate for the positions he is taking but it would be limited to Embassy activity.

The Congress is not within the control of the WH. It was made clear to us that the WH would not pressure the Congress – either in favor or against – Ukraine but that it would clarify US policy if mis-signals on policy were sent by Congress.

This understanding was to minimize public conflict so that both the US and VR elections would not be impacted by political grandstanding.

#### **The Washington Strategy**

Based on this tacit understanding, we have quietly engaged in Washington.

We have kept important USG officials briefed on the elections, the Skadden Report, Russian pressure on Ukraine, the reforms being pursued by VY Administration, business opportunities that US companies are accessing (Chevron) and general issues that will be important in November.

Our focus has been on future allies of ours like those WH figures who will be staying in office should Obama be re-elected, Gov. Romney's foreign policy advisors on Europe, Republican Speaker of the House John Boehner who will be in charge of the House again in January, and targeted members of Congress who are open-minded and will be helpful to us in 2013, based on successful VR elections.

In short, the strategy was to educate but not complicate. Avoid confrontation but provide knowledge that would be important in the post election period when the policy reviews will occur.

#### **Sense of the Senate Resolution**

The Tymo Washington lobby became frustrated by their inability to engage the WH to confront the Yanukovich government prior to the elections. They decided that they needed to force events by pressing for the Inhofe/Durbin resolution. Once they accepted that they could not get the USG to issue a statement threatening sanctions or negative actions, their only option became to pass a non-binding, sense of senate resolution. They understood that even though there was no policy implication, the PR benefit at least allowed some value.

This plan was complicated because there was not a lot of time to do the traditional Senate resolution approach. Thus, Durbin decided to use rule that did prohibited debate but allowed for expedited treatment. The risk of this approach was a few Senators could block the resolution and put it off until November.

The most important person in the Senate Foreign Affairs Committee that we felt we could get to put on "hold" on the resolution in Committee was Sen. Lugar. He agreed to do so as we helped him during his trip to Ukraine in the summer. Lugar is an honorable person and his prestige was such that we felt he could stop the bill and minimize attention. He continued to quietly tell us he would put a hold on it up until last Thursday, the day of the Committee vote. When he told us that for humanitarian reasons (Durbin told Lugar that Tymosha will die in jail if the Senate did not get aggressive) he felt he had to let the vote occur, we were forced to deal with the full Senate.

In the full Senate we lined up several Senators who did put holds on the bill. Durbin used his position as floor leader of the Senate to have his resolution delayed until all but 2 or 3 Senators remained. We still were confident because we had confirmed at least one Senators "hold" was still in place. Durbin violated the rules and spirit of the Senate and announced the resolution and then adjourned the Senate at 4:00am.

The bad news is the resolution passed. However, the way it was done, with no Senators present, with no debate and in under questionable circumstances, discredits the claim that the resolution represents a sense of the Senate.

#### **Aftermath**

I recognize that the PR impact is what they will promote.

I take responsibility for this resolution passing. I believed that I had it stopped several times and was working within the strategic parameters of the plan with the WH. I never thought Durbin would just ignore the rules. I have never seen this done in 30 years in Washington.

I do want to stress an important consequence of this process which does provide real benefit to us post election.

The announcement of the USG policy towards Ukraine by A/S Gordon last week is much more meaningful than the Sense of the Senate resolution. The fact that the WH was willing to announce the policy in order to send the signal that the resolution was not US policy indicates that they continue to be supportive of the VY Administration and committed to the post election plan if Ukraine holds fair elections.

I was told again today to keep our focus on ensuring a fair election – both in the pre election day period and on election day. This is key to US policy.

To achieve this result, it is vital that we stop all of the distractions like a libel bill being presented in the VR during the election or our local leaders denying



permits for meetings to the opposition. These acts are much more dangerous to us than the Senate resolution because they play into the claims of the opposition that the elections are not free and fair.

The reports by OSCE, PACE and other observer groups must accept the election results as fair. If we achieve this end, we will be in position to get the support from the Obama Administration that we want.

We do have a solid Washington team organized. It is working closely with the WH. Once we have the election assessment we will have the case we need to make. Then, working with a supportive WH, we will be able to re-establish the relationship into a more productive one.

**MEMORANDUM**

**To:** President VFY  
**From:** PJM  
**Subject:** US Government Activity  
**Date:** February 4<sup>th</sup>, 2013

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Over the course of the last several weeks there has been significant activity by the US Government and Congress, as President Obama was sworn in for a second term, and a new Congress appointed. This memo summarizes the key activities that relate to Ukraine by the USG and the actions taken by our AC team in support of Ukraine priorities.

**Obama Administration**

The most significant and positive change for Ukraine is the confirmation of Senator John Kerry as the new Secretary of State. I have already had preliminary meetings with some of his key advisers and Secretary Kerry will focus largely on policy issues related to energy and the environment. The Secretary has always been a proponent of these issues. This is a positive development for us and will be a dramatic change from former Secretary Clinton.

Overall the State Department will maintain a position of opposing sanctions of any kind as an instrument to deal with foreign governments. This policy is consistent with State Department actions directly applied to Ukraine over the last several years. However, given the policy interests of Secretary Kerry, we now have a great opportunity to take a proactive and positive approach with the State Department. Focusing on the recent shale gas contracts with Exxon and Chevron will be important and welcome to the USG. In addition, the HEU issues will allow us to expand our relationship not only with the State Department, but more importantly, directly with the Obama Administration.

At this time the rest of the key personnel at State Department is fluid. Secretary Kerry will take two of his top staffers from his Senate office. But the rest of the key appointments will be made by the White House. At this time the only confirmed appointee affecting us is that DAS Dan Russell will remain at this post. AS Phil Gordon is likely to be moved to another post.

In addition to the appointment of Secretary Kerry, President Obama made several key appointments to his executive office which are good for Ukraine.

- Denis McDonough has been appointed WH Chief of Staff. Previously Mr. McDonough served as Deputy National Security Adviser.
- Tony Blinken has been appointed as Deputy National Security Adviser and Assistant to the President. Previously, Mr. Blinken served as VP Biden's national security adviser.

These two appointments are critical for the GoU. Both are pragmatic, sensible and will want to see Ukraine align with the West. Their focus will be on geo-political relations specifically watching Russia and other former Soviet countries, and their actions. The emphasis of the President's national security team will not be so much on human rights.

**GOVERNMENT  
EXHIBIT**

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## US Congress

Although the US Congress was largely unchanged following the November 2012 election in terms of control of the House and Senate, there have been several significant changes to the committee structures that will benefit Ukraine.

### House

The Republicans were able to maintain their control of the US House of Representatives. The House leadership will remain in place. Speaker John Boehner and Majority Leader Eric Cantor will lead the Republicans. Nancy Pelosi will remain as the Minority Leader. The majority of the first six months of the new Congress will be consumed by budgetary issues. This will help to take negative attention away from the GoU. However, we already have evidence that YT's forces

The significant changes at the House level relate to key committee structures. There is a guiding rule in the House that Chairs of all committees are changed every two years, and are appointed at the discretion of the leadership – seniority no longer takes precedent.

The House Committee of Foreign Affairs will now be chaired by Congressman Ed Royce (a Republican from California). I have known Congressman Royce for many years and this will be a helpful appointment for Ukraine.

The key subcommittee for Ukraine is the House Foreign Affairs Subcommittee on Europe, Eurasia and Emerging Threats. The new chairman is Congressman Dana Rohrabacher (a Republican from California). Again, the new chairman is a good appointment for Ukraine and will be open minded about key policy issues. [I have attached a document that provides more background on the Committees and the Chairs].

Prior to the appointments there was an attempt by Congressman Chris Smith (Republican from New Jersey) to be selected as the Committee Chair. Congressman Smith did not have the support of the Republican leadership. However, he was given the Chairmanship of the Subcommittee on Africa, Global Health, Global Human Rights and International Organizations. It is highly likely that Smith uses this subcommittee as a vehicle to hold hearings on YT's situation and possibly promote legislation. Our AC team is close to his staff and as of this memo, Smith intends to take no action at this time. However, he was disappointed in the latest charges levied against YT.

Last week the House Foreign Affairs Committee completed its "Oversight Plan". This document governs much of the work by the committee throughout the Congressional Session. This document is not public yet but highlights several key sections that pertain to Ukraine. [Full HFA Oversight Plan is attached].

q. **Russia:** The Committee will address the impact of Russia's foreign policy on U.S. political, economic, and other interests in key countries and regions, with a focus on identifying significant areas of competition and potential cooperation. Of note is the Administration's announced intention to negotiate new agreements with Russia on limiting strategic forces and ballistic missile defense, including the U.S. system scheduled for deployment in Europe. Russia's adherence to the rules of the World Trade Organization and the impact on U.S. exports will be addressed. The Committee will also review how Russia's domestic policies impact the U.S., and will consider the country's respect for human rights, democratic governance, and rule of law



r. ***Europe/Eurasia***: The Committee will review U.S. relations with European countries, with an emphasis on the European Union and NATO, including potential membership of the Western Balkan nations in those institutions. Key issues will include removal of barriers to trade, including a potential Trans-Atlantic Free Trade Area, the deployment of a regional ballistic missile defense system, the impact of the European financial crisis, diversification of energy sources, and Turkey's new foreign policy orientation and its domestic political evolution, among others. The Committee will also conduct oversight of U.S. policy in Central Asia, including as it relates to the 2014 transition in Afghanistan.

t. ***Human Rights and Democracy***: The Committee will examine U.S. activities to promote democracy and protect human rights around the world. The Committee will critically assess U.S. involvement with multilateral human rights mechanisms, to ensure that U.S. diplomacy serves to promote fundamental human rights and freedoms.

### **Senate**

Due to the confirmation of Secretary Kerry the relevant committee in the US Senate for Ukraine, the Senate Foreign Relations Committee has undergone few changes thus far. The Republicans have made its appointments and it is expected that the Senate leadership will make the final Democratic appointments during the week of February 4<sup>th</sup>.

However, we do know that Senator Dick Durbin (D-IL) will no longer serve on the Committee. Nor will Senator Jim Inhofe (R-OK). These two Senators were the lead sponsors on Senate Resolution 466 that was passed last year.

The SFRC structure (at this time) is listed below:

#### **Democrats**

TBD, *Chairman* (but likely Menendez from NJ)  
Barbara Boxer, California  
Robert Menendez, New Jersey  
Benjamin L. Cardin, Maryland  
Robert P. Casey Jr, Pennsylvania  
Jeanne Shaheen, New Hampshire  
Christopher Coons, Delaware  
Tom Udall, New Mexico  
Chris Murphy, Connecticut  
Tim Kaine, Virginia

#### **Republicans**

Bob Corker, Ranking Member, Tenn  
James Risch, Idaho  
Marco Rubio, Florida  
Ron Johnson, Wisconsin  
Jeff Flake, Arizona  
John McCain, Arizona  
John Barrasso, Wyoming  
Rand Paul, Kentucky

At this time the structure of subcommittees have not been decided.

### **Resolutions and Legislation**

At the time of this memo, there are only two resolutions that have been introduced related to Ukraine. On January 14, Rep. Marcy Kaptur (D-OH-9) introduced two resolutions regarding Ukraine. Both Resolutions were referred to the House Committee on Foreign Affairs and have gained no additional sponsors as of January 31.



- \* [H.Res. 27](#) - Supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible.
- \* [H.Res. 28](#) - Condemning the persecution of political opposition leader Yulia Tymoshenko as well as other political prisoners, among them former internal affairs minister Yuri Lutsenko.

H.Res 28 is a resolution that the Congresswoman introduces every year but it never receives attention. Our AC team has already contacted Chairman Royce on this matter and the resolution will not gain approval from the committee, and will not be brought up for debate.

There is some renewed calling for additional actions to be taken against Ukraine. Thus far this rhetoric has only come from Ukraine's opposition and former US Ambassador to Ukraine Steven Pifer last week during an interview with Voice of America. Pifer indicated that the US Congress is concerned about the situation in Ukraine, and could use sanctions to pressure the GoU into freeing what it calls political prisoners.

Some critics are saying the focus will return to a bill that was passed by the US Congress at the end of last year called the "Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012" otherwise known as the Magnitsky Act. The bill was signed into law by President Obama on December 14<sup>th</sup>, 2012.

Some critics of Ukraine suggest expanding the scope of this legislation to include Ukraine and place travel sanctions on certain Ukrainian Government officials. Our AC team is monitoring this bill closely and no action has been taken by any Congressional member.

### **White House Petition**

There is one other attempt of deploying sanctions against Ukraine. A petition is being circulated that calls for sanctions to be introduced against Ukrainian officials involved in the falsification of the criminal case against businessman Dmytro Pavlychenko and his son Serhiy Pavlychenko, who were convicted of killing a judge of a district court in Kyiv.

A relevant petition was registered on the Web site of the White House on January 26, 2013. The petition has to collect at least 100,000 signatures by February 25, 2013 to be considered by the White House. Thus far only 3,847 signatures have been collected.

The petition proposes to put a ban on entry to the United States for former Interior Minister of Ukraine Anatoliy Mohylov, Head of the Public Security Department of the Interior Ministry of Ukraine Oleksiy Krykun, Head of the Investigatory Department of the Interior Ministry of Ukraine Vasyl Farynnyk, investigators and other people involved in the falsification of the criminal case, torture, and the violation of human rights and freedoms.